

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEMOS P. DEMOPOULOS, DANIEL J. GATTO,
KENNETH BARRETT, WILLIAM CASSESE
and JOHN A. CURCIO, as Trustees and Fiduciaries
of the LOCAL 854 HEALTH & WELFARE
BENEFITS FUND, and as Trustees and Fiduciaries
of the LOCAL 854 PENSION FUND,

Plaintiffs,

-against-

DR. SAMEH H. AKNOUK DENTAL
SERVICES, PC,

Defendant.
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AZRACK, United States District Judge:

Plaintiffs Trustees and Fiduciaries of the Local 854 Health and Welfare Benefits Fund and Local 854 Pension Fund commenced this action against Defendant Dr. Sameh H. Aknouk Dental Services, pursuant to Sections 502(a)(3) and 515 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§ 1132(a)(3), 1145 (“ERISA”). On February 21, 2021, the parties filed cross-motions for summary judgment. (ECF Nos. 45, 48.) On May 25, 2021, I referred defendant’s motion to Magistrate Judge A. Kathleen Tomlinson for a Report and Recommendation (“R&R”). (Electronic Order, May 25, 2021). On August 27, 2021, Judge Tomlinson issued an R&R recommending that the parties’ cross-motions for summary judgment be denied. (ECF No. 51.)

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579,

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**FILED
CLERK**

5:21 pm, Sep 15, 2021

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

ORDER

18-CV-4813 (JMA) (AKT)

2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

To date, no objections have been filed to the R&R and the deadline for filing any such objections has passed.

I have reviewed Judge Tomlinson’s R&R for clear error, and finding none, I adopt the R&R in its entirety as the opinion of this Court. Accordingly, the parties’ cross-motions for summary judgment are **DENIED**.

SO ORDERED.

Dated: September 15, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE